

HUDSON
35888-060302



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***JUNE 3, 2002
12:15 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

1. Call to Order--Roll Call.

A communication from Council Member C. Nelson Harris, Chair, City Council's Personnel Committee, requesting that Council meet in Closed Meeting to discuss the performance of five Council-Appointed Officers, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended.

(Approved 7-0)

File #110-132

THE MEETING WAS DECLARED IN RECESS TO BE IMMEDIATELY RECONVENED IN THE COUNCIL'S CONFERENCE ROOM FOR ONE CLOSED SESSION.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***JUNE 3, 2002
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

1. Call to Order--Roll Call.

The Invocation was delivered by The Reverend Fred Fryar, Pastor, Grace and Truth Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, June 6, 2002, at 7:00 p.m., and Saturday, June 8, 2002, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541 TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGMENTS: **None.**

3.

CONSENT AGENDA

(APPROVED 7-0)

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of the regular meeting of City Council held on Monday, April 15, 2002, and recessed until Thursday, April 18, 2002; and a special meeting of City Council held on Monday, April 29, 2002.

RECOMMENDED ACTION: Dispense with the reading thereof and approve as recorded.

- C-2 A communication from the City Manager recommending that a public hearing be advertised for Monday, June 17, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, in connection with a lease agreement with Orvis Roanoke, Inc., for City-owned property located at 11 Campbell Avenue, S. E., commonly known as the Market Square Parking Garage.

RECOMMENDED ACTION: Concur in recommendation.
File #166-373-516-553

- C-3 A communication from Gilbert E. Butler, Jr., Secretary, Roanoke City Electoral Board, transmitting an Abstract of Votes cast in the General Election held in the City of Roanoke on May 7, 2002.

RECOMMENDED ACTION: Receive and file.
File #40-132

- C-4 A communication from Mayor Ralph K. Smith requesting a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request.
File #110-132

- C-5 A communication from the City Manager requesting a Closed Meeting to discuss disposition of publicly-owned property, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request.
File #2-166

- C-6 Qualification of the following persons:

Beverly T. Fitzpatrick, Jr., as a Commissioner of the Roanoke Redevelopment and Housing Authority, to fill the unexpired term of Willis M. Anderson, deceased, ending August 31, 2002; and

James H. Smith as a member of the Youth Services Citizen Board for a term ending May 31, 2005.

RECOMMENDED ACTION: Receive and file.
File #15-110-178-304

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS:

- a. A communication from Council Member William D. Bestpitch in connection with amendments and an addition to the Code of the City of Roanoke (1979), as amended, with regard to the Budget and Planning Committee, the Personnel Committee and the Legislative Committee.

Adopted Ordinance No. 35888-060302. (7-0.)
File #24-60-110-132-137

6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

1. A communication in connection with funding for the Fifth District Employment and Training Consortium.

**Adopted Budget Ordinance No. 35889-060302. (7-0.)
File #60-246**

2. A communication recommending acceptance of a bid submitted by Adams Construction Co., for paving various streets and raising manholes, in the amount of \$2,034,202.55; rejecting all other bids received by the City; and appropriation of funds in connection therewith.

**Adopted Budget Ordinance No. 35890-060302 and Ordinance No. 35891-060302. (7-0.)
File #60-514**

3. A communication recommending acceptance of a bid submitted by Griffin Pipe Products for purchase of ductile iron water pipe, in an amount not to exceed \$148,688.50; and rejecting all other bids received by the City.

**Adopted Resolution No. 35892-060302. (7-0.)
File #468-472**

4. A communication with regard to bids received by the City for water and wastewater treatment chemicals.

**Adopted Resolution No. 35893-060302. (7-0.)
File #468**

5. A communication recommending acceptance of a bid submitted by Smith Turf and Irrigation Co., for one 16-foot rotary mower to be used in the Parks and Recreation Department, in the amount of \$68,107.00; rejecting a bid submitted by Boone and Becker Implement, Inc., for a tractor and articulated boom mower, in the amount of \$95,867.33; and rejecting all other bids received by the City on the abovedescribed equipment.

**Adopted Resolution No. 35894-060302. (7-0.)
File #67-472**

6. A communication recommending execution of a grant agreement with the Virginia Department of Motor Vehicles for a Driver/Occupant Awareness Grant, in the amount of \$15,000.00; and appropriation of funds in connection therewith.

**Adopted Budget Ordinance No. 35895-060302 and Resolution
No. 35896-060302. (7-0.)
File #5-20-60-236**

7. A communication recommending approval of the Hotel Roanoke Conference Center Commission annual budget for fiscal year 2002-03, totaling \$250,000.00; and appropriation of funds in connection therewith.

**Adopted Budget Ordinance No. 35897-060302 and Resolution
No. 35898-060302. (7-0.)
File #60-110-247**

8. A joint communication from the City Manager and the Director of Finance recommending transfer of funds between various accounts within the Roanoke River Flood Reduction Projects and Series 2002 Public Improvements Bond Reserve Account.

**Adopted Budget Ordinance No. 35899-060302. (6-0, Mayor
Smith abstained from voting.)
File #60-237**

9. A communication recommending execution of an amendment to an agreement with the Art Museum of Western Virginia to provide for an extension of time for performance of certain actions to be taken.

**Adopted Resolution No. 35900-060302. (7-0.)
File #416**

b. **DIRECTOR OF FINANCE:**

1. Financial report for the month of April 2002.
**Received and filed.
File #1-10**

**Council Member White offered a recommendation that the Mayor's Office schedule informal meetings with the City's delegation to the General Assembly and Council Members to discuss revenue/funding issues.
File #60-132-137**

2. A report recommending appropriation of funds, in connection with CDBG/HOME program income from the Roanoke Redevelopment and Housing Authority and CDBG miscellaneous program income.

**Adopted Budget Ordinance No. 35901-060302. (6-0, Council Member Wyatt was out of the Council Chamber when the vote was recorded.)
File #60-178-200**

7. REPORTS OF COMMITTEES: NONE.

8. UNFINISHED BUSINESS: NONE.

**9. INTRODUCTION AND CONSIDERATION OF
ORDINANCES AND RESOLUTIONS: NONE.**

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

Council Member White called attention to inquiries regarding the issue of screen doors at the Lincoln Terrace Housing Development; whereupon, David E. Baldwin, Director of Special Projects, Roanoke Redevelopment and Housing Authority, advised that an agreement has been reached with the Resident Council that the Housing Authority will install initially, as funding is available, screen doors on the back doors of apartments, and if funds become available in the future, consideration will be given to installing screen doors on the front of apartments. He stated that the Housing Authority has also concurred in a recommendation of the Resident Council to provide preference initially to senior citizens residing at Lincoln Terrace.

File #66-178

Council Member Hudson referred to the loss of water pressure in the northwest area of the City over the weekend as a result of the storm that occurred on Saturday, June 1. He called attention to a report that the City's one and only tanker was out of service, and inquired as to the status of the tanker. The City Manager explained that the water pressure problem was the result of an air leak at one of the pumping stations which was caused by a valve that did not automatically open. She advised that she would respond at a later time to Mr. Hudson's inquiry regarding the status of the tanker.

File #65-66-70-468

Vice-Mayor Carder addressed the issue of cellular telephones and requested that the matter of prohibiting the use of cellular telephones while operating a motor vehicle in the City of Roanoke, be referred to the City's Legislative Committee for study, report and recommendation.

File #20-137-383

Mr. Carder spoke as a citizen and business person working in the downtown Roanoke area. He referred to instances during the past four years when the streets surrounding the Patrick Henry Hotel have been barricaded for Festival in the Park activities, resulting in inconvenience to hotel staff and patrons and loss of revenue to the hotel. He stated that by discussing the matter publicly, it is hoped that the City will review parade permits, city wide, to ensure that area businesses are properly and timely notified of street closings.
File #66-169-277-352-514

Council Member Wyatt referred to an article in The Roanoke Times on Monday, June 3, 2002, comparing, among other things, Roanoke City and Roanoke County with regard to education expenditures. She explained that the newspaper article reports a disparity between the amount of funds that Roanoke City spends for education (24 per cent), as opposed to Roanoke County (49 per cent) of the budget. She explained that Roanoke County receives state subsidized road, street maintenance and snow removal funds, as compared to the City of Roanoke which fully funds such services. Also, she stated that the City of Roanoke funds a full-time Fire Department, compared to a large percentage of the County's Fire Department being staffed by volunteers, all of which points out that there is a disparity in funding.
File #60-70-410-467-514

Council Member Wyatt called attention to concerns expressed by parents with regard to City of Roanoke high school graduation ceremonies being held in the Auditorium at the Roanoke Civic Center, which limits the number of guests per graduate. She suggested that the matter be referred to the next joint meeting of Council and the Roanoke City School Board for discussion.
File #110-192-467

Council Member Wyatt requested a report on the City's Pay for Performance Program, i.e.; a comparison between 2001-02 of percentages within departments, number of persons in departments, and changes in ratings, etc.
File #18-184

Council Member Wyatt requested that Council approve July 5, 2002, as a floating holiday for City employees. It was the consensus of Council to refer the matter to the City Manager for report and preparation of the proper measure for consideration by Council at its next regular meeting on Monday, June 17, 2001.

File #184

Council Member Wyatt referred to a communication from a County resident forwarding copy of a newspaper article from The Sunday Gazette, Schenectady, New York, regarding the assets of the Roanoke City Market.

File #42

- b. Vacancies on various authorities, boards, commissions and committees appointed by Council.

11. CITY MANAGER COMMENTS:

The City Manager presented copy of a publication entitled, “Every Drop Counts,” which was included in a recent edition of The Roanoke Times, and sponsored by The Roanoke Times, True Value Hardware, and the City of Roanoke. She advised that the publication was given to every child in the Roanoke City School system, encouraging them to participate in a contest and to learn at an early age the importance of water as a natural resource.

File #467-468

The City Manager referred to the remarks of Council Member Wyatt concerning the newspaper article comparing Roanoke City and Roanoke County in regard to disparity in funding. She advised that in addition to the percentages of funding and differences in services, it should be noted that the City of Roanoke’s minimum hourly rate for employees has been increased and represents a higher entry level hourly rate than Roanoke County offers to its employees.

File #60-184-467

The City Manager advised that several years ago, the State initiated law enforcement funding in exchange for a decision that cities would no longer annex properties, which limited the City of Roanoke’s ability to secure land for additional economic development purposes. She stated that although the State has not kept pace with educational funding and other types of funding, it has provided funds for law enforcement.

File #5-60-450-467

The City Manager referred to remarks of Ms. Evelyn D. Bethel with regard to the stadium/amphitheater project, and clarified that of the \$9 million referenced in a recent newspaper article, only a small portion is directly related to the stadium/amphitheater project, and the \$9 million refers to all projects included in the City's approved Capital Improvements Program.

File #122-192

12. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. IT IS ALSO A TIME FOR INFORMAL DIALOGUE BETWEEN COUNCIL MEMBERS AND CITIZENS. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR ANY NECESSARY AND APPROPRIATE RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Mr. Robert D. Gravely, 619 Hanover Avenue, N. W., addressed Council with regard to lack of funding for City services/programs, cleanliness of the City, the City's high crime rate, and the need for more jobs for young people.

File #66

Ms. Helen E. Davis, 35 Patton Avenue, N. E., addressed Council with regard to respect for each other and for the citizens of the City of Roanoke. She advised that the refuse collection issue has not been resolved, and the new refuse collection program is not working in the northwest section of the City. She asked that Council help citizens, specifically, Mr. Michael Wells who is a small businessman, and if there are issues of concern in connection with his business, they should be addressed with the appropriate persons.

File #51-66-144

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., expressed concern that the Roanoke Redevelopment and Housing Authority received over \$20 million for rehabilitation of Lincoln Terrace apartments; however, the Housing Authority advises that there are not sufficient funds to provide screen doors for both the front and back doors of Lincoln Terrace apartments. She stated that screen doors are a necessity for health and safety purposes, and spoke in support of the City intervening by providing screen doors for Lincoln Terrace residents. She referred to a recent newspaper article advising that over \$9 million will be expended for consulting fees for a stadium/amphitheater project; and inquired if citizens have been properly notified of informal meetings to receive input regarding the issue. She requested that the \$9 million be withdrawn and that plans for the stadium/amphitheater project also be withdrawn until meetings are held to properly inform citizens.

File #66-122-178-192

M. Rupert Cutler, Council Member-Elect, addressed Council in connection with a communication from the City Manager and the Director of Finance recommending the transfer of funds between various accounts within the Roanoke River Flood Reduction Projects and Series 2002 Public Improvements Bond Reserve Account. He expressed concern regarding the environmental impact of the Roanoke River Flood Reduction Project, and asked that before Council makes an irreversible commitment to the U. S. Army Corp of Engineers' structural approach to reducing future flood peaks on the Roanoke River and its tributaries in Roanoke, that Council again review non-structural alternatives that would save the River's beauty and recreation value, including its value for canoeing and fishing. He advised that the City is discussing the issue of creating a Regional Water Authority, and asked that regional flood reduction planning be included, within the purview of the authority, to provide citizens with the most efficient, least environmentally damaging means of addressing all of the City's water related responsibilities.

File #53-60-237-468

The meeting was declared in recess for continuation of the Closed Session.

CERTIFICATION OF CLOSED SESSION. (Approved 5-0, Council Members Harris and White were absent.)

The following persons were appointed/reappointed to various boards, commissions and committees:

Fair Housing Board

Sherman V. Burroughs, IV, for a term ending March 31, 2003.

File #110-178

Personnel and Employment Practices Commission

I. B. Heinemann and Lylburn D. Moore, Jr., for terms ending June 30, 2005.

File #110-202

Roanoke Arts Commission

Frank J. Eastburn, Anna S. Wentworth, and Mary S. Neal for terms ending June 30, 2005.

File #110-230

**Virginia Western Community College, Board of Directors
File #110-467**

Harriet S. Lewis for a term ending June 30, 2006.

Towing Advisory Board

Robert R. Young and Christine Proffitt for terms ending June 30, 2005.

File #5-110-530

City of Roanoke Pension Plan, Board of Trustees

David C. Key for a term ending June 30, 2006, D. Duane Dixon and Cyril J. Goens for terms ending June 30, 2004.

File #110-429

Board of Fire Appeals

Harry F. Collins, Sr., and John C. Moody, Jr., for terms ending June, 30, 2006.

File #70-110

**Roanoke Valley Greenway Commission
File #110-379**

Barry W. Baird for a term ending June 30, 2005.

Roanoke Public Library Board

Roland H. Macher and Stanley G. Breakell for terms ending June 30, 2005.

File #110-323

Human Services Committee

Margaret C. Thompson, Evelyn F. Board, Judy O. Jackson, Cynthia S. Bryant, and Glenn D. Radcliffe for terms ending June 30, 2003.

File #72-110

Flood Plain Committee

Lucian Y. Grove, Kathy S. Hill, Mack D. Cooper, II, E. L. Noell, Dennis Tinsley, Read A. Lunsford, Edgar V. Wheeler, and Sandra B. Kelly for terms ending June 30, 2003.

File #110-237

War Memorial Committee

Alfred C. Moore for a term ending June 30, 2003.

File #110-518

Mill Mountain Advisory Committee

Steven Higgs, Richard Clark, Eddie Wallace, Jr., Betty Field and Michael A. Loveman for terms ending June 30, 2003.

File #67-110

Special Events Committee

Estelle H. McCadden, David W. Davis, III, William X Parsons, Dorothy L. Bull, Rodney E. Lewis, Amy W. Peck, Linda Gravely, Sherley E. Stuart, Kathy Wilson, Sabrina T. Law, H. Marie Muddiman, Cynthia D. Jennings, and Gloria Elliot for terms ending June 30, 2003.

File #110-317

**Roanoke Valley Area
Metropolitan Planning
Organization
File #110-407**

**William D. Bestpitch and Sherman
A. Holland for terms ending June 30,
2005.**

**Council voted to waive the City residency requirement for Harry F.
Collins, Sr., as a member of the Board of Fire Appeals; and Gloria Elliot
as a member of the Special Events Committee.
File #70-110-317**